

Service Date: December 8, 1993

FINAL ORDER NO. 6273

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Bearmouth Express, Inc.)
Missoula, Montana, application for a) Docket T-93.119.PCN
Montana Intrastate Certificate of Public) Order No. 6273
Convenience and Necessity.)

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 23, 1993, Bearmouth Express, Inc., P.O. Box 8626, Missoula, Montana 59807 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class C - General commodities between all points and places within the State of Montana. Limitations: Transportation is restricted to the account of Vann's, Inc.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public September 8, 1993. That notice said in pertinent part:

If no written protests are received by September 28, 1993, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana; Security Armored Express, Inc., Helena, Montana; Boka Freight, Dillon, Montana; Andy's Motor Freight, Anaconda, Montana; and James T. Hanson Freight, Twin Bridges, Montana.

4. On October 6, 1993, Applicant restrictively amended the application limiting transportation to electrical appliances, TV sets, audio equipment, computer equipment, bedroom furniture in truck load lots from origination point of Missoula, Montana to drop off points in Helena, Butte, and Bozeman, Montana, further restricted to the account of Vann's Inc. only.

5. All protests to the docket were subsequently withdrawn.

6. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana

59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 22nd day of November, 1993, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-93.119.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Bearmouth Express, Inc., Missoula , Montana, for a

Certificate of Public Convenience and Necessity IS
GRANTED to the following extent:

Class C - Electrical appliances, T.V. sets, audio equipment, computer equipment, and bedroom furniture in truck load lots from origination point of Missoula, Montana to drop off points in Helena, Butte, and Bozeman, Montana. Limitations: Transportation is restricted to that provided for the account of Vann's Inc.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 22nd day of November, 1993, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

Docket No. T-93.119.PCN

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